

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8472 of 1997

with

SPECIAL CIVIL APPLICATION No 8545 of 1997

&

SPECIAL CIVIL APPLICATION No 8683 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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MIRSALIM VALIMOHAMAD

Versus

STATE OF GUJARAT

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Appearance:

MR AY KOGJE for Petitioner

MR SN SHELAT, ADDL. ADV. GENERAL ASSISTED BY

MR SP HASURKAR for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/06/1999

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The learned counsel for the petitioner does not dispute that none of petitioners who have been given fixed term contractual appointment with the condition to be coterminous with the term of the Judge concerned in this Court, has completed three years before their services were brought to an end.

#. These are purely contractual fixed term appointments with specific condition to be coterminous with the term of the Judge concerned in this Court and it does not confer any right to the petitioners to continue in services beyond the term of the Judge concerned here. These appointments are permissible and reference in this respect may have to the decision of the Apex Court in the case of State of Gujarat & Anr. v. P.J.Kampavat & Ors., reported in AIR 1992 SC 1685. As these are contractual appointments with specific condition, the contention of the learned counsel for the petitioners that the same could have been made only by open selection is not tenable. Looking to the nature and purpose of appointments and conditions subject to which the same have been made, it cannot be said that any of the legal or fundamental rights of the petitioners are being infringed on termination of their services on fulfilment of the condition subject to which the same have been made. The learned Addl. Advocate General appearing for this Court stated that this Court has now decided on its administrative side that if an employee who has been given appointment on contractual basis completes three years' services, his case may be considered for regularization of his services but that decision is of little help to the petitioners as none of them, as stated earlier, have completed three years' services.

#. In the result, all these Special Civil Applications fail and the same are dismissed. Rule discharged. Interim relief, if any, granted by this Court in these matters stands vacated. No order as to costs.

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[sunil]